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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,377	12/03/2003	Hideo Mori	03500.011357.3	3146

5514 7590 09/12/2006

FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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DHARIA, PRABODH M

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/725,377	MORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Prabodh M. Dharia	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12-03-2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Priority***

1. Acknowledgment is made of applicant's claim for domestic priority under U.S.C. 119(e) and 120. Applicant has complied with one or more conditions for receiving the benefit of an earlier filing date under, 35 U.S.C. 119(e) and 120 by making specific reference to the earlier application with the status of non-provisional parent application(s); in the instant application.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

3. Figure 6-8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. Figure 6-8 are discussed in detail in the background of the invention.

***Response to Amendment***

4. **Status:** Please all the correspondence and replies to all should be addressed to examiner's art unit 2629. Receipt is acknowledged of papers submitted on 12-03-2003 under amendments,

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which have been placed of record in the file. Claims 19-21 are pending in this action. Claims 1-18 are cancelled. Applicant has cancelled claims 1-18; added new claims 19-21 and amended specification to correct English grammar. Applicant has not introduced any new matters to amended specification and new claims; amended specification and new claims do have support in the original disclosure. Therefore amendments to specification and new claims are entered.

### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 12-03-2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 19-21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,169, 530 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Comparison of Instant application Claims 19-21 to Claims 1-16 of parent applications;

<b><u>Instant Application Number</u></b>	<b><u>Parent Application Number</u></b>
<b><u>US 10725377</u></b>	<b><u>US 08,632,526; US Patent</u></b> <b><u>Number 6,169,530 B1</u></b>
19. A display apparatus comprising: a display device; a driver IC that applies drive signals to the display device; a film carrier provided with input-side outer leads and output-side outer leads arranged to be connected to the driver IC; and a bus board that supplies signals to the input-side outer leads, wherein said film carrier further is provided with a dummy lead positioned	1. An assembly of a driving circuit for a display apparatus comprising a display device, a driving circuit for producing a voltage signal for driving said display device, a film carrier carrying said driving circuit and having an input side outer lead to transfer a control signal to said driving circuit and an output side outer lead to transfer the voltage signal from said

between an edge of the film carrier and the most outside input-side and output-side outer leads, the dummy lead being arranged without electrical connection to said driver IC, and wherein an alternating voltage is applied to the dummy lead.	driving circuit to said display device, and a bus board for supplying the control signal to said input side outer lead, wherein a dummy lead is provided along the outside of each of said input side outer leads and said output side outer lead of said film carrier, and a predetermined voltage is applied to said dummy leads, not through said driving but directly through a terminal provided on said bus board.  5. An apparatus according to claim 4, wherein voltages ( $V_{sub+}$ , $V_{sub-}$ ) of both polarities for a center voltage ( $V_C$ ) are applied to said group of electrodes, and a voltage of the same potential as said center voltage is applied to said dummy leads.
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Note the comparison above Claim 19 of instant application to claims 1,5 of parent application; the language has been changed to avoid 101 statutory double patenting rejections. However, Claim 19 and 1,5 are claiming same limitation. The both applications, the instant as well as parent application are claiming "A display apparatus comprising: a display device; a driver IC that applies drive signals to the display device; a film carrier provided with input-side

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outer leads and output-side outer leads arranged to be connected to the driver IC; and a bus board that supplies signals to the input-side outer leads, wherein said film carrier further is provided with a dummy lead positioned between an edge of the film carrier and the most outside input-side and output-side outer leads, the dummy lead being arranged without electrical connection to said driver IC, and wherein an alternating (alternating voltages (V.sub.+, V.sub.-) of both polarities for a center voltage (VC); parent application US patent number 6,169,530 B1 Col. 4, Line 49 to Col. 5, Line 9, see figure 3) voltage is applied to the dummy lead". Similar argument can be made to rest of the dependent as well as independent claims of instant application comparing with parent application.

### ***Response to Arguments***

8. Applicant's arguments, see remarks, filed 12-03-2003, with respect to the amendments are persuasive. The claims 1-18 has been cancelled and newly added claims 19-21 are pending.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 571-272-7668. The examiner can normally be reached on M-F 8AM to 5PM.

10. The fax phone number for the organization where this application or proceeding is assigned is 573-272-8300.

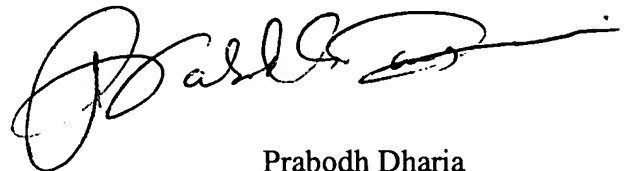
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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

A handwritten signature in black ink, appearing to read 'Prabodh Dharia', with a long horizontal flourish extending to the right.

Prabodh Dharia

Partial Signatory Authority Program

AU2629

September 10, 2006